

Customer No.: 07278

Docket No.: 03269/8200177-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: U.S. Patent No. 5,061,703

Inventors: Joachim BORMANN, Markus GOLD, and Wolfgang SCHATTON

Assignee: Merz Pharma GmbH & Co. KGaA

Title: ADAMANTANE DERIVATIVES IN THE PREVENTION AND TREATMENT
OF CEREBRAL ISCHEMIA

Issue Date: October 29, 1991

ELECTION OF APPLICATION FOR EXTENSION OF PATENT TERM
UNDER 35 U.S.C. §156 AND PURSUANT TO 37 C.F.R. § 1.785(b)

Mail Stop Patent Ext.
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:


The Application for Extension of Patent Term of U.S. Patent No. 5,061,703 and the Application for Extension of Patent Term of U.S. Patent No. 5,614,560 were concurrently filed by Forest Laboratories, Inc. ("Forest") on December 9, 2003, and are based upon the same regulatory review period - i.e., the regulatory review period for memantine hydrochloride (NAMENDA™).

Pursuant to 37 C.F.R. 1.785(b), Forest hereby elects the Application for Extension of Patent Term of U.S. Patent No. 5,061,703, and respectfully requests that the Commissioner grant an extension of 1250 days to this patent. Favorable action is earnestly solicited.

Additionally, Forest, the holder of NDA 21-487, which was approved October 16, 2003 and is the first marketing approval for memantine (NAMENDA™), has today filed a Withdrawal of Consent of NDA Holder in which Forest has withdrawn any previous consent or authorization, either express or implied, for Children's Medical Center Corporation ("CMCC") to rely on the regulatory review period for NAMENDA™ in support of the pending Application for Extension of Patent Term of CMCC's U.S. Patent No. 5,614,560. A copy of the Withdrawal of Consent is attached. A communication was filed by CMCC on June 12, 2007, revoking any agency, authority or consent to Merz Pharma GmbH & Co. KGaA ("Merz") or Forest to act on CMCC's behalf with regard to any application for extension of the term of the '560 patent under 35 U.S.C. § 156.

Dated: June 15, 2007

Respectfully submitted,

By 
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